

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA** §  
§  
v. § **1:12-CR-798-LAP**  
§ **(1:21-CV-8166-LAP)**  
**REZA OLANGIAN** §

**DEFENDANT'S REQUEST FOR AN ORDER REQUIRING THE  
GOVERNMENT TO RESPOND TO HIS SECTION 2255 MOTION**

The defendant, Reza Olangian, respectfully requests that this Court order the government to respond to his pending section 2255 motion, which he filed on October 4, 2021 (ECF No. 167) and supplemented on October 17, 2022, along with a detailed declaration in support of the motion (ECF No. 182). He also requests that this Court conduct an evidentiary hearing on his ineffective assistance of counsel claim discussed in the supplement.

Rule 4(b) of the Rules Governing Section 2255 Motions provides that:

The judge who receives the motion must promptly examine it. If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party. If the motion is not dismissed, the judge must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

As explained in Mr. Olangian's supplement to his section 2255 motion, his ineffective assistance of counsel claim, particularly when the facts alleged are

considered in a light most favorable to him, clearly warrants an evidentiary hearing. *See, e.g., United States v. Haisten*, 50 F.4th 368, 373 (3d Cir. 2022) (“The threshold for a habeas petitioner’s claim to be colorable [so as to entitle him to an evidentiary hearing] is low.”); *see also id.* at 372-73 (“If . . . a claim, *when taken as true and evaluated in light of the existing record*, states a colorable claim for relief under *Strickland* [v. *Washington*, 466 U.S. 668 (1984)], then further factual development in the form of a hearing is required.”) (emphasis added).

Therefore, Mr. Olangian requests that this Court (1) order the government to respond to his motion and supplement and (2) conduct an evidentiary hearing on his ineffective-assistance claim.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that, on this 24th day of April 2023, a copy of this document was served by CM/ECF on all counsel of record.

*/s/ Brent E. Newton*  
Brent E. Newton